THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24022 of 2006

Dated: 18-11-2006

Between:

Grandhi Koteswara Rao.

..... PETITIONER

AND

Government of Andhra Pradesh, rep. by its Secretary,
Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24022 of 2006

ORDER:

The petitioner is allegedly owner of land admeasuring 1210 sq. yards (Plot No.20) in survey No.77/10 situated at Vepagunta Village, Pendurthi Mandal in Visakhapatnam District, having purchased the same from one Uppalapati Lakshmipathi Raju under registered sale deed dated 20-08-1979. He, intending to sell land admeasuring 945 sq. yards to one Smt. Nisreen Hussain, took a part of consideration from her and accordingly entered into an agreement with her on 06-09-2006. When the document was presented before the second respondent, he refused to receive the same in view of the ban imposed by the Government for registration based on powers conferred under Section 22-A of the Registration Act, 1908. Aggrieved by the same, the present writ petition is filed.

In **State of Rajasthan v. Basant Nahata**[1], the Supreme Court struck down the provision in the Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its Judgment, dated 07-12-2005 in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. It is brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11-08-2006.

Following the above, this writ petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioner and consider the same for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act. No costs.

V.V.S.RAO, J

18th November, 2006

ghn

[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456